

On October 3, October 6, and October 14, 1930, respectively, the said United States attorney filed in the District Court of the United States for the district aforesaid 3 libels praying seizure and condemnation of 2,507 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Iverson Packing Co., from Ketchikan, Alaska, in part on or about August 20, 1930, and in part on or about August 26, 1930, and had been transported from Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The cases containing the article were labeled in part: "I. Pkg. Co. * * * Eat More Salmon."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 10, 1930, the West Sales (Inc.), Seattle, Wash., having appeared as claimant in 2 cases involving libels covering 1,353 cases of the product and having admitted the allegations of the libels, paid costs and executed bonds totaling \$1,700, conditioned in part that the said product should not be sold or otherwise disposed of contrary to law, judgments of condemnation were entered, and it was ordered by the court that portion covered by the said libels be segregated and reconditioned under the supervision of this department, the portion thereof found fit for food released to the claimant and the unfit portion disposed of in accordance with the law. On November 24, 1930, no claimant having appeared for the portion of the product seized under the remaining libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said portion of the product be destroyed or delivered to the State Fisheries Department for use in the hatcheries for fish food.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17739. Misbranding of olive oil. U. S. v. 24 Cans, et al., of Olive Oil. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25100, 25135. I. S. Nos. 2545, 4416, 4425. S. Nos. 3373, 3394.)

Sample cans of olive oil from the herein described interstate shipment having been found to contain less than 1 gallon, the volume declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On September 9 and September 11, 1930, respectively, the said United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 39 cans of olive oil, remaining in the original unbroken packages at Newark and Paterson, N. J., alleging that the article had been shipped by Economu & Ritsos, from New York, N. Y., in 2 consignments, on or about July 17 and July 18, 1930, respectively, and had been transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "One Gallon Net * * * Pure Olive Oil * * * Packed and Imported by Economu-Ritsos Co. New York."

It was alleged in the libels that the article was misbranded in that the statement "One Gallon Net," borne on the label, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On October 29 and November 25, 1930, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17740. Misbranding of apples. U. S. v. 160 Barrels of Apples. Consent order releasing product under bond to be relabeled. (F. & D. No. 25219. I. S. No. 9529. S. No. 3499.)

Examinations of apples from the herein described interstate shipment having shown that a large portion thereof was below the grade declared on the labels of the barrels, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On October 16, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and

condemnation of 160 barrels of apples, remaining in the original unbroken packages at Jersey City, N. J., alleging that the article had been shipped by O. H. Borden, Front Royal, Va., on or about October 11, 1930, and had been transported from the State of Virginia into the State of New Jersey, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Barrel) "O. H. Borden, Front Royal, Va. U. S. A. 2½ Min. U. S. No. 1 * * * York Imperial [or "Rome Beauty" "Stayman," or "King David"]".

It was alleged in the libel that the article was misbranded in that the statement "U. S. No. 1 2½ Min." was false and misleading and deceived and misled the purchaser, since the apples were not in fact grade U. S. No. 1 2½ Min.

On October 23, 1930, O. H. Borden, Front Royal, Va., claimant, having admitted the allegations of the libel and having consented that a decree be entered condemning the property, judgment was entered ordering that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$700, conditioned in part that the statement "U. S. No. 1 2½ Min." be obliterated and the article relabeled with a statement complying with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17741. Adulteration of canned salmon. U. S. v. 2,711 Cases of Pink Salmon. Decree of condemnation entered. Product released under bond. (F. & D. No. 25176. I. S. No. 1088. S. No. 3442.)

Samples of canned salmon from the herein described shipment having been found to contain tainted and stale fish, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On October 3, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 2,711 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Douglas Island Packing Co., from Douglas, Alaska, on or about August 5, 1930, and transported from Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The cases containing the article were labeled in part: "D. I. P. Pink."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 10, 1930, the West Sales (Inc.), Seattle, Wash., claimant, having admitted the allegations of the libel and having paid costs and executed a bond in the sum of \$2,500, conditioned in part that the product should not be sold or otherwise disposed of contrary to law, judgment of condemnation was entered, and it was ordered by the court that the said product be segregated and reconditioned under the supervision of this department, and the portion found fit for food released to the said claimant, and the unfit portion disposed of in accordance with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17742. Misbranding of flour. U. S. v. 590 Bags of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25158. I. S. Nos. 2296, 4551. S. No. 3424.)

Sample sacks of flour from the herein described interstate shipments having been found to contain less flour than the weight declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On September 22, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 590 bags, each containing 32 small sacks of flour, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Texas Star Flour Mills, in part from Tulia, Tex., on or about August 12, 1930, and in part from Galveston, Tex., on or about September 2, 1930, and had been transported from the State of Texas into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Large bag) "1½ Amaessa 48 Lbs. Flour;" (small sack) "Texas Star Flour Mills Amaessa 1½ Lbs. Flour Net Wt. When Packed Galveston, Tex."

It was alleged in the libel that the article was misbranded in that the statements, "1½ Lbs. Flour Net Wt. When Packed" and "1½ * * * 48 Lbs.," borne on the labels, were false and misleading and deceived and misled